

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Greenbaum/Ricks

Mailed: September 23, 2005

Opposition Nos. **91159861 (parent)**
91159934
91159935

Exide Technologies

v.

Johnson Controls Battery
Group, Inc.

Cindy B. Greenbaum, Attorney:

PROCEEDINGS CONSOLIDATED

The parties' stipulation (filed September 2, 2005) to consolidate the above-identified oppositions is granted.

Accordingly, Opposition No. 91159861, Opposition No. 91159934 and Opposition No. 91159935 are hereby consolidated and may be presented on the same record and briefs. See *Helene Curtis Industries Inv. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989). From this date forward, Opposition No. **91159861** will be designated as the "parent case" in which all papers shall be filed. However, every paper must henceforth reference all proceeding numbers as shown in the caption of this order. The parties are instructed to promptly inform the Board of any other related cases within the meaning of Fed. R. Civ. P. 42.

The only exception to the rule that all papers must be filed in the "parent" case is that applicant must file a separate answer for each proceeding, which answer only references that proceeding number.

Inasmuch as the Board has granted the parties' stipulation to consolidate, there is no need to suspend proceedings. Applicant has until THIRTY DAYS from the mailing date of this order to file an answer to each notice of opposition.

Discovery and trial dates are as follows:

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| DISCOVERY PERIOD TO CLOSE: | January 23, 2006 |
| Thirty-day testimony period for party in position of plaintiff to close: | April 23, 2006 |
| Thirty-day testimony period for party in position of defendant to close: | June 22, 2006 |
| Fifteen-day rebuttal testimony period to close: | August 6, 2006 |

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.